

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER PAUL IWANICKI, ETC. ,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 09-106
)	Judge Lancaster
)	Magistrate Judge Bissoon
COMMONWEALTH OF PENNSYLVANIA,)	
)	
Defendant.)	

MEMORANDUM ORDER


Christopher Paul Iwanicki, an inmate confined under judgment of sentence at the State Correctional Institution at Pittsburgh, Pennsylvania, filed this lawsuit on January 29, 2009, without payment of the filing fee, or a petition seeking leave to proceed *in forma pauperis*. The Prison Litigation Reform Act of 1996, 28 U.S.C. §1915(b), requires that prisoners who cannot pay the full filing fee immediately submit an initial partial filing fee and the balance in installment payments. Consistent with the relevant terms of the Act, the court entered an order (Doc.2) on January 30, 2009, directing Plaintiff to either pay the filing fee or move to proceed *in forma pauperis* on or before February 17, 2009. Plaintiff has failed to comply with this order and, instead, has filed three documents (Docs. 3, 6 and 7) which are non-responsive.

Iwanicki's refusal to comply with the directions specifically set out in the court's January 30, 2009, makes it impossible for the court to comply with Congress' amendments to the law regulating the manner in which *in forma pauperis* prison litigation is to be administered. Because Iwanicki has not complied with this court's order, it must be concluded that he no longer intends to maintain this action.

AND NOW, this 16th day of March, 2009,

IT IS HERBEY ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

Plaintiff may re-file this action within the applicable statute of limitations period by either paying the full filing fee of \$350.00, or by moving to proceed *in forma pauperis*. The clerk is directed to mark this case CLOSED.



Gary L. Lancaster
United States District Judge

cc:
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